

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOHN PICKERING-GEORGE a/k/a
JOHN R. DALEY, JR.,

Plaintiff,

- v -

Civ. No. 1:11-CV-741
(MAD/RFT)

OFFICE OF THE ATTORNEY GENERAL, MARIO
CUOMO, *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

JOHN PICKERING-GEORGE
Plaintiff, *Pro Se*
100 West 174th St.
Apt. 6-D
Bronx, NY 10453

RANDOLPH F. TREECE
United States Magistrate Judge

REPORT-RECOMMENDATION and ORDER

On June 30, 2011, *pro se* Plaintiff John Pickering-George submitted a Complaint along with an Application to Proceed *In Forma Pauperis* (IFP). Dkt. No. 1, Compl; Dkt. No. 2, Mot. for IFP. After reviewing those documents, this Court issued a Report-Recommendation wherein we granted the IFP Application and recommended that Plaintiff be afforded an opportunity to amend his Complaint to avoid dismissal. Dkt. No. 3. The basis for that recommendation was Plaintiff's

failure to satisfy basic pleading requirements. On August 19, 2011, the Honorable Mae A. D'Agostino, United States District Judge, adopted our recommendations in total and directed Plaintiff to submit an amended complaint. Dkt. No. 5. On September 15, 2011 the Court received a document from Plaintiff, purporting to be an Amended Complaint. Dkt. No. 6.

Upon reviewing the Amended Complaint, we find that not only did Plaintiff fail to cure the deficiencies in his prior pleading, but also, this new pleading is even more incoherent. It still remains unclear what FOIA requests Plaintiff made, when they were made, and to whom. In fact, this pleading is even less clear than the original pleading he submitted. Having already provided Plaintiff an opportunity to amend, and determining that his amended pleading is unintelligible, we find that dismissal is appropriate. *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988) ("Dismissal . . . is usually reserved for those cases in which the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised." (citation omitted)).

WHEREFORE, it is hereby

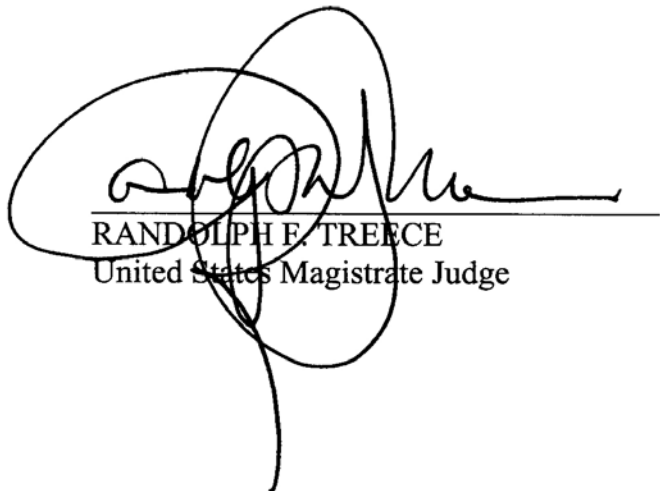
RECOMMENDED, that this action be **dismissed** due to Plaintiff's failure to state a claim and to comply with Federal Rules of Civil Procedure 8 and 10; and it is further

ORDERED, that the Clerk serve a copy of this Report-Recommendation and Order on Plaintiff by certified mail to the address listed in the caption above.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have fourteen (14) days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court. **FAILURE TO OBJECT TO THIS REPORT WITHIN FOURTEEN (14) DAYS WILL PRECLUDE APPELLATE REVIEW.**

Roldan v. Racette, 984 F.2d 85, 89 (2d Cir. 1993) (citing *Small v. Sec'y of Health and Human Servs.*, 892 F.2d 15 (2d Cir. 1989)); *see also* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72 & 6(e).

Date: October 5, 2011
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge